

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MATTHEW GIBSON,

Plaintiff,

vs.

Civil Action No. 5:21-cv-00181

Honorable Frank W. Volk

LOUISE E. GOLDSTON, individually,
COUNTY COMMISSION OF RALEIGH
COUNTY, a political subdivision,
JEFF MCPHAKE, individually,
BRIAN WHITE, individually,
BOBBY STUMP, individually,

Defendant.

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT LOUISE E.
GOLDSTON'S NOTICE OF NON-PARTY FAULT**

Now comes the Plaintiff, Matthew Gibson, and hereby moves to strike “Defendant Louise E. Goldston’s Notice of Non-Party Fault,” [Doc. 87], upon the grounds that (1) W. Va. Code § 55-7-13d(a) is inapplicable to Section 1983 claims in Federal Court; (2) Defendant Goldston has failed to satisfy the requirements of said statute even if it were applicable; and (3) the said motion is presented for the improper purpose of harassing and retaliating against Plaintiff and his counsel’s protected First Amendment speech, as more fully detailed in the memorandum filed contemporaneously herewith.

WHEREFORE, the Plaintiff respectfully requests that this Court GRANT his Motion to Strike Defendant Louise E. Goldston’s Notice of Non-Party Fault, and for such other and further relief as this Court deems just and fit.

MATTHEW GIBSON,
By Counsel

/s/ John H. Bryan
John H. Bryan, State Bar ID # 10259
JOHN H. BRYAN, ATTORNEY AT LAW
411 Main Street
P.O. Box 366
Union, WV 24983
jhb@johnbryanlaw.com
(304) 772-4999
Fax: (304) 772-4998
For Plaintiff

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MATTHEW GIBSON,

Plaintiff,

vs.

Civil Action No. 5:21-cv-00181

Honorable Frank W. Volk

LOUISE E. GOLDSTON, individually,
COUNTY COMMISSION OF RALEIGH
COUNTY, a political subdivision,
JEFF MCPEAKE, individually,
BRIAN WHITE, individually,
BOBBY STUMP, individually,
KYLE LUSK, individually,

Defendant.

CERTIFICATE OF SERVICE

I, John H. Bryan, do hereby certify that I have delivered a true copy of the foregoing PLAINTIFF'S MOTION TO STRIKE DEFENDANT LOUISE E. GOLDSTON'S NOTICE OF NON-PARTY FAULT, has been served upon counsel of record by using the CM/ECF System, this the 9th day of June, 2022, and addressed as follows:

Jennifer E. Tully, Esq.
Adam K. Strider, Esq.
Bailey & Wyant, PLLC
500 Virginia Street, East, Suite 600
PO Box 3710
Charleston, WV 25337-3710
Counsel for Louise E. Goldston

J. Victor Flanagan, Esq.
Kevin J. Robinson, Esq.
Pullin Fowler Flanagan, Brown & Poe, PLLC
252 George Street
Beckley, WV 25801
Counsel for Raleigh County Defendants

/s/ John H. Bryan
John H. Bryan (WV Bar No. 10259)
JOHN H. BRYAN, ATTORNEY AT LAW
411 Main Street
P.O. Box 366
Union, WV 24983
(304) 772-4999
Fax: (304) 772-4998
jhb@johnbryanlaw.com